

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



**REGULAR MEETING
AGENDA**

Wednesday, March 14, 2012 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. And in order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting. And some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF CALENDAR NO. 3-2012 PUBLIC HEARING

Opened on February 15, 2012 and continued to tonight March 14, 2012 due to complications that developed at the hearing. The ZBA members attending on February 15th were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey and Rich Wood.

Chuck Deluca has also reviewed the application materials, a tape recording of the February 15th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight March 14, 2012. However the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing until no later than April 27, 2012 (up to 100 total days). Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

CALENDAR NO. 3-2012

The application of Ben & Trudie Larrabee filed on January 18, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of propane tanks and generator equipment; Section 406: 23.7 in lieu of 20.0 maximum allowable coverage. The property is situated on the south side of Fairview Avenue approximately 140 feet west of the intersection of Academy Street and Fairview Avenue and is shown on Assessor's Map #16 as Lot #50, being 26 Fairview Avenue and located in an R-1/3 (residential) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for the Larrabee Public Hearing request item listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.

CONTINUATION OF CALENDAR NO. 55-2011 PUBLIC HEARING

Opened on January 18, 2012 and continued to February 15, 2012 due to complications that developed at the hearing. The hearing was reopened on February 15th and recontinued without additional testimony to March 14, 2012 with the applicant's consent due to further plan complications. The ZBA members attending on January 18th were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne. Rich Wood and Ruth Anne Ramsey have also reviewed the application materials, a tape recording of the January 18th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. This hearing must be completed by tonight March 14, 2012. However the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing until no later than April 27, 2012 (up to 100 total days). Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

CALENDAR NO. 55-2011

The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah filed on December 21, 2011 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement to a two story residence with a pool, pool equipment, covered patio features, generator, and AC equipment; Section 334: construction on a portion of the lot with 106.2 in lieu of 150.0 feet minimum required lot depth or width and less than 150.0 feet minimum required square; Section 406: 4.4 in lieu of 40.0 feet minimum required southwest rear yard setback for the residence; 24.0 in lieu of 40.0 feet minimum required southeast rear yard setback for the residence; 31.5 in lieu of 40.0 feet minimum required north rear yard setback for the residence; 28.1 in lieu of 40.0 feet minimum required north rear yard setback for the pool; 26.6 in lieu of 40.0 feet minimum required north rear yard setback for the covered patio, pool equipment and generator; and 32.0 in lieu of 40.0 feet minimum required north rear yard setback for the AC equipment. The property is an interior lot accessed from the east side of the Peabody Lane cul de sac approximately 1000 feet northeast of the intersection of Salem Straits and Peabody Lane and is shown on Assessor's Map #62 as Lot #60, being 11 Peabody Lane, also known as 66 Salem Straits, and located in an R-1 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 53-2011

POSTPONED TO APRIL 11, 2012

The application of Jacek Bigosinski and PB Architects on behalf of Ruth & Ian Crowe filed on December 21, 2011 for variances of Sections 406 of the Darien Zoning Regulations, to allow the reconstruction, alteration and expansion to a two and one-half story residence with a trellis structure; Section 406: 10.8 in lieu of 25.0 feet minimum required front yard setback and 26.8 in lieu of 50.0 minimum required front yard setback as measured from the centerline of Raymond Street. The property is situated on the east side of Raymond Street approximately 500 feet north of the intersection of Raymond Heights and Raymond Street and is shown on Assessor's Map #36 as Lot #101, being 26 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 1-2012

The application of Brian Lorenz on behalf of Plaza Realty c/o Michael D. Hibbert and Starbucks filed on January 18, 2012 for variances of Section 923.1 and 923.4 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 923.1: 22.50 in lieu of 10.67 maximum allowable square feet; and Section 923.4: 2 in lieu of 1 maximum allowable wall sign. The property is situated on the northwest side of Boston Post Road approximately 150 feet southwest of the intersection of Sedgwick Avenue and Boston Post Road and is shown on Assessor's Map #16 as Lots #2 and 3, being 815 Boston Post Road and located in the CBD (commercial) and in a R-1/3 (residential) Zone.

CALENDAR NO. 7-2012

The application of Jeffrey W. McDougal and William W. Seymour & Assoc. on behalf of The Lewis Nash Family Inc. c/o James & Marion Friend filed on February 15, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a one story shoreline gazebo; Section 406: 0.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the east side of Nash Island approximately 920 feet southeast of the intersection of Nearwater Lane and Baywater Drive and is shown on Assessor's Map #55 as Lot #124, being 1 Nash Island and located in an R-1 (residential) Zone.

CONTINUATION OF PUBLIC HEARING CALENDAR NO. 50-2011

WITHDRAWN

The application of Alan H. Kaufman on behalf of Scott/Rosemarie Reardon regarding property of James/Janeen Eckert, filed on November 16, 2011; for an appeal under Section 1122, of the Darien Zoning Regulations, of the October 3, 2011 decision and/or determination of the Zoning Enforcement Officer to issue a Certificate Of Zoning Compliance endorsement of a Certificate of Occupancy for the recent Eckert addition construction project; and to declare that the Certificate of Occupancy and the Certificate of Zoning Compliance are null and void. The subject property is an interior lot situated on the east side of Long Neck Point Road approximately 450 feet south of the south intersection of Pear Tree point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #3, being 165 Long Neck Point Road and located in an R-1 (residential) Zone.

OTHER BUSINESS

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1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Update on status of exterior lighting relative to a stipulation of Calendar No. 2-2012, Anthony's Coal Fired Pizza, 319 Boston Post Road.
3. Approval of Minutes and Resolutions of meeting on February 15, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.

4. Staff Request for a Board committee to review Required Application Materials.
5. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
6. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).